

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION NO.10236/1997

Between:

Smt.N.Gouramma,
wife of G.V.S.Murthy,
major, 'Audumbai',
Behind P & T. Quarters,
Shettihalli Road,
Tumkur.

82 ✓
...PETITIONER

(By Sri.Vighneshwar S.Shastri, Adv.)

And:

1. State of Karnataka,
represented by its
Secretary to Housing
and Urban Development
Department, M.S. Building,
Bangalore.
2. The Chairman & Deputy
Commissioner, I.D.S.M.T.
Committee, Tumkur.
3. The City Municipal Council,
Tumkur by its Commissioner.
4. The Tumkur Urban Development
Authority, Tumkur by its
Commissioner.

...RESPONDENTS

(By Sri.T.G.Siddesh, Adv. for R-3,
Sri.P.S.Manjunath &
Sri.H.C.Shivaramu, Advs. for R-4)

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83

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to quash vide Annexure-D dated 31.03.1997.

This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:-

O_R_D_E_R

The petitioner made an application for allotment of sites pursuant to the notification dated 03.02.1990 issued by the Tumkur Urban Development Authority. Thereafter, the City Municipal Council, Tumkur issued a notification calling for allotment of corner and intermediate sites. The said sites are different from the sites which are in Annexure 'A'. Further, Annexure 'A' is issued by the Urban Development Authority whereas Annexure 'D' is issued by the City Municipal Council. The case of the petitioner is that when he had made the application for allotment of sites, the Municipal Council has no authority to call for ~~an~~ application for allotment of sites. The

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84

petitioner made the application pursuant to the notification issued by the Urban Development Authority whereas the notification ~~notification~~[~] issued under Annexure 'D' is by the City Municipal Council calling for application. The sites referred to in Annexure 'A' are different from the sites referred to in Annexure 'D' because the sites proposed to be allotted as per Annexure 'D' are only the corner and intermediate sites. Therefore, the petitioner has no locus-standi to challenge the notification issued by the City Municipal Council. In the result, I pass the following order:

Writ Petition is rejected. If the application of the petitioner is pending consideration, the Urban Development Authority may consider and dispose of the same, in accordance with the law.

Sd/-
JUDGE



sps/-